

S. 1090. A bill to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes (Rept. No. 112-123).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources:

Report to accompany S. 1134, A bill to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values (Rept. No. 112-124).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1325. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes (Rept. No. 112-125).

S. 1344. A bill to direct the Secretary of Agriculture to take immediate action to recover ecologically and economically from a catastrophic wildfire in the State of Arizona, and for other purposes (Rept. No. 112-126).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1421. A bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes (Rept. No. 112-127).

S. 1478. A bill to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes (Rept. No. 112-128).

H.R. 441. To authorize the Secretary of the Interior to issue permits for microhydro projects in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes (Rept. No. 112-129).

H.R. 461. A bill to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes (Rept. No. 112-130).

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mr. HARKIN):

S. 2032. A bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 2033. A bill to amend the Internal Revenue Code of 1986 to end the costly derivatives blended rate loophole, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL (for himself, Mrs. HUTCHISON, Mr. LEE, Mr. HATCH, Mr. BARRASSO, Mr. CORNYN, Ms. AYOTTE, Mr. MORAN, Mr. ALEXANDER, Mr. CRAPO, Mr. RUBIO, Mr. COATS, Mr. ENZI, Mr. SESSIONS, Mr. BURR, Mr. VITTER, Mr. ISAKSON, Mr. BLUNT, Mr. BOOZMAN, Mr. KYL, Mr. MCCAIN, Mr. SHELBY, Mr. WICKER, Mr. CHAMBLISS, Mr. LUGAR, Mr. RISCH, Mr. ROBERTS, Mr. INHOFE, Mr. GRASSLEY, Mr. KIRK, and Mr. GRAHAM):

S.J. Res. 34. A joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as sub-

mitted under section 3101A of title 31, United States Code, on January 12, 2012; placed on the calendar.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. GILLIBRAND:

S. Res. 352. A resolution expressing the sense of the Senate that the United States should work with the Government of Haiti to address gender-based violence against women and children; to the Committee on Foreign Relations.

### ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 296

At the request of Ms. KLOBUCHAR, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 381

At the request of Mr. TESTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 381, a bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 506

At the request of Mr. CASEY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 567

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 567, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 665

At the request of Mr. BROWN of Ohio, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 665, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 829

At the request of Mr. CARDIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 968

At the request of Mr. HATCH, his name and the names of the Senator from Missouri (Mr. BLUNT), the Senator from Florida (Mr. RUBIO), the Senator from Arkansas (Mr. BOOZMAN), the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Idaho (Mr. RISCH) were withdrawn as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

At the request of Mr. BENNET, his name was withdrawn as a cosponsor of S. 968, *supra*.

S. 1018

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor

of S. 1018, a bill to amend title 10, United States Code, and the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 to provide for implementation of additional recommendations of the Defense Task Force on Sexual Assault in the Military Services.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1241

At the request of Mr. RUBIO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1241, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 1245

At the request of Mr. BLUNT, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1245, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 1299

At the request of Mr. MORAN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Hawaii (Mr. AKAKA) and the Senator from Nebraska (Mr. JOHANNES) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1355

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1355, a bill to regulate political robocalls.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in pub-

lic school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1607

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1607, a bill to include shellfish to the list of crops eligible for the noninsured crop disaster assistance program and the emergency assistance for livestock program of the Department of Agriculture.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1707

At the request of Mr. BURR, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1802

At the request of Mr. UDALL of Colorado, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1802, a bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors.

S. 1816

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1816, a bill to amend title 23, United States Code, to modify a provision relating to minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.

S. 1845

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1845, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1863

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1863, a bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation.

S. 1896

At the request of Ms. AYOTTE, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1896, a bill to eliminate the auto-

matic inflation increases for discretionary programs built into the baseline projections and require budget estimates to be compared with the prior year's level.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. JOHANNES, his name was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

At the request of Mr. TOOMEY, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1930, *supra*.

S. 1941

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1941, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 1963

At the request of Mr. ISAKSON, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1963, a bill to revoke the charters for the Federal National Mortgage Corporation and the Federal Home Loan Mortgage Corporation upon resolution of their obligations, to create a new Mortgage Finance Agency for the securitization of single family and multifamily mortgages, and for other purposes.

S. 1994

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1994, a bill to prohibit deceptive practices in Federal elections.

S. 2003

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2006

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2006, a bill to amend the Surface Transportation and Uniform Relocation Assistance Act of 1987 to authorize the Secretary of Transportation to permit Federal regulation and review of tolls and toll increases on certain surface transportation facilities, and for other purposes.

S. 2010

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

S. RES. 310

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and Congratulating Girl Scouts of the USA on its 100th anniversary.

At the request of Ms. MIKULSKI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 310, *supra*.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. HARKIN):

S. 2032. A bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2032

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Our Students and Taxpayers Act" or "POST Act".

#### SEC. 2. 85/15 RULE.

(a) IN GENERAL.—Section 102(b) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking "and" after the semicolon;

(B) in subparagraph (E), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(F) meets the requirements of paragraph (2).";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) REVENUE SOURCES.—

"(A) IN GENERAL.—In order to qualify as a proprietary institution of higher education under this subsection, an institution shall derive not less than 15 percent of the institution's revenues from sources other than Federal funds, as calculated in accordance with subparagraphs (B) and (C).

"(B) FEDERAL FUNDS.—In this paragraph, the term 'Federal funds' means any Federal financial assistance provided, under this Act or any other Federal law, through a grant, contract, subsidy, loan, guarantee, insurance, or other means to a proprietary institution, including Federal financial assistance that is disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution, except that such term shall not include any monthly housing stipend provided under the Post-9/11 Veterans Educational Assistance Program under chapter 33 of title 38, United States Code.

"(C) IMPLEMENTATION OF NON-FEDERAL REVENUE REQUIREMENT.—In making calculations under subparagraph (A), an institution of higher education shall—

"(i) use the cash basis of accounting;

"(ii) consider as revenue only those funds generated by the institution from—

"(I) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under title IV;

"(II) activities conducted by the institution that are necessary for the education and training of the institution's students, if such activities are—

"(aa) conducted on campus or at a facility under the control of the institution;

"(bb) performed under the supervision of a member of the institution's faculty; and

"(cc) required to be performed by all students in a specific educational program at the institution; and

"(III) a contractual arrangement with a Federal agency for the purpose of providing job training to low-income individuals who are in need of such training;

"(iii) presume that any Federal funds that are disbursed or delivered to an institution on behalf of a student or directly to a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits such funds to the student's account or pays such funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

"(I) grant funds provided by an outside source that—

"(aa) has no affiliation with the institution; and

"(bb) shares no employees with the institution; and

"(II) institutional scholarships described in clause (v);

"(iv) include no loans made by an institution of higher education as revenue to the school, except for payments made by students on such loans;

"(v) include a scholarship provided by the institution—

"(I) only if the scholarship is in the form of monetary aid based upon the academic achievements or financial need of students, disbursed to qualified student recipients during each fiscal year from an established restricted account; and

"(II) only to the extent that funds in that account represent designated funds, or income earned on such funds, from an outside source that—

"(aa) has no affiliation with the institution; and

"(bb) shares no employees with the institution; and

"(vi) exclude from revenues—

"(I) the amount of funds the institution received under part C of title IV, unless the institution used those funds to pay a student's institutional charges;

"(II) the amount of funds the institution received under subpart 4 of part A of title IV;

"(III) the amount of funds provided by the institution as matching funds for any Federal program;

"(IV) the amount of Federal funds provided to the institution to pay institutional charges for a student that were refunded or returned; and

"(V) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

"(D) REPORT TO CONGRESS.—Not later than July 1, 2012, and by July 1 of each succeeding year, the Secretary shall submit to the authorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under title IV and as provided in the audited financial statements submitted to the Secretary by each institution pursuant to the requirements of section 487(c)—

"(i) the amount and percentage of such institution's revenues received from Federal funds; and

"(ii) the amount and percentage of such institution's revenues received from other sources.".

(b) REPEAL OF EXISTING REQUIREMENTS.—Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by striking paragraph (24);

(B) by redesignating paragraphs (25) through (29) as paragraphs (24) through (28), respectively;

(C) in paragraph (24)(A)(ii) (as redesignated by subparagraph (B)), by striking "subsection (e)" and inserting "subsection (d)"; and

(D) in paragraph (26) (as redesignated by subparagraph (B)), by striking "subsection (h)" and inserting "subsection (g)";

(2) by striking subsection (d);

(3) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively;

(4) in subsection (f)(1) (as redesignated by paragraph (3)), by striking "subsection (e)(2)" and inserting "subsection (d)(2)"; and

(5) in subsection (g)(1) (as redesignated by paragraph (3)), by striking "subsection (a)(27)" in the matter preceding subparagraph (A) and inserting "subsection (a)(26)".

(c) CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 152 (20 U.S.C. 1019a)—

(A) in subsection (a)(1)(A), by striking "subsections (a)(27) and (h) of section 487" and inserting "subsections (a)(26) and (g) of section 487"; and

(B) in subsection (b)(1)(B)(i)(I), by striking "section 487(e)" and inserting "section 487(d)";

(2) in section 153(c)(3) (20 U.S.C. 1019b(c)(3)), by striking "section 487(a)(25)" each place the term appears and inserting "section 487(a)(24)";

(3) in section 496(c)(3)(A) (20 U.S.C. 1099b(c)(3)(A)), by striking "section 487(f)" and inserting "section 487(e)"; and